

Supreme Court, U.S.
FILED

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UNITED STATES CLERK
NOT

IN THE
SUPREME COURT OF THE UNITED STATES

ROY LEE TAYLOR,
Petitioner,
v.

DEPARTMENT OF PUBLIC SAFETY, et al.,
Respondents.

Petition for a Writ of Certiorari to
the United States Court of Appeals
for the Eleventh Circuit

PETITION FOR A WRIT OF CERTIORARI

ROY LEE TAYLOR
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Pro Se

QUESTION PRESENTED

Whether the State of Georgia, departments, agencies, officers, and individuals can violate federal and state laws unconstitutionally but claim immunity gives them the rights to take a person's rights intentionally.

CORPORATE DISCLOSURE STATEMENT

Petitioner hereby identifies that he is not a corporation and has no corporation. No one owns 10% or more of stock of the petitioner.

LIST OF PARTIES

All parties do not appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

Baker, Thurbert E.: defendant/respondent
 Brownlow, Richard: defendant/respondent
 Department of Law: defendant/respondent
 Department of Public Safety: defendant-respondent
 Hightower, Robert: defendant/respondent
 Miles, Sid: defendant/respondent
 Millar, Ted M.: defendant/respondent
 Norton, O.T.: defendant/respondent
 Self Insurance: defendant/respondent
 Taylor, Roy Lee: plaintiff/petitioner
 White, A.: defendant/respondent

Attorneys

Jones, John C.: defendant/respondents'
 Pacious, Kathleen: defendant/respondents'
 Taylor: plaintiff/petitioner is pro se

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PETITION FOR A WRIT OF CERTIORARI

Roy Lee Taylor hereby petitions for
a writ of certiorari to review the
judgment of the United States Court of
Appeals for the Eleventh Circuit in this
action.

OPINIONS BELOW

The opinion of the Court of Appeals for
the Eleventh Circuit is unreported and is
reproduced as Appendix ("App") A at 1a-
4a. The Petition(s) for rehearing is
reproduced as App. B at 5a. The United
States District Court of the Northern

District of Georgia is unreported and appears at App. C at 6a-9a. Reconsideration in the District Court is App. D at 10a.

JURISDICTION

The judgment of the Court of Appeals was entered on June 23, 2005. App. 1a. Petition for rehearing was denied July 27, 2005. App. 5a. It had jurisdiction pursuant to 28 U.S.C. § 1295. The District Court had jurisdiction to hear the case pursuant to 28 U.S.C. § 1331. App. 6a. This Court's jurisdiction is invoked under 28 U.S.C. § 1254(1).

STATUTORY AND CONSTITUTION PROVISION INVOLVED

This case concerns whether parties can act unconstitutionally. 42 U.S.C. § 1983 and the Eleventh Amendment were used. Certainly, the First, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, Tenth, thirteenth, and Fourteenth Amendments apply here. More is explained later.

STATEMENT OF THE CASE

The Court of Appeals ruled the Petitioner is unconstitutionally damaged. The Petitioner insists the parties acted individually in the first place outside the departments with no case going to come of this. They were out there unestablished acting and were told all was acting improper.

The point is how the lower courts now rule that the parties are state and agencies with nothing to show as they ruled the Petitioner's case as true

because they can not show anything. The rule of every law says a person can not act unconstitutionally intentionally. The Supreme Court has noted that the purpose of 42 U.S.C. § 1983 was to enforce the provisions of the Fourteenth Amendment. Monroe v. Pape, (1961) 365 U.S. 167, 5 L Ed 2d 492, 81 S Ct 2151; Mitchum v. Foster, (1972) 407 U.S. 225, 32 L Ed 2d 705, 925 Ct 2151; District of Columbia v. Carter, (1973) 409 U.S. 418, 34 L Ed 2d 618, 93 S Ct 602, reh den 410 U.S. 959, 35 L Ed 694, 93 S Ct 1411.

The Supreme Court has also stated that the primary purpose of 42 U.S.C. § 1983, was to afford a federal right in federal courts because, by reason of prejudice, passion, neglect, intolerance, or otherwise, state law might not be enforced and claims of citizens to the enjoyment of rights, privileges, and immunities guaranteed by the Fourteenth Amendment might be denied by state agencies. Monroe v. Pape, (1961) 365 U.S. 167, 5 L Ed 2d 492, 81 S Ct 473.

The Proceedings below. The respondents claim to be state and state agencies under it. The claim does not make any sense as does not courts saying they are state and agencies not to be sued. These are not names and can not be dismissed as such.

The Respondents know this is one of their calculated tricks just as they say more must be done to understand persons, and person can not be seen. The Department of Public Safety and Department of Law are not 'being' by which exist only in mind and need to be designated. This is a reason, not the

only reason, the Petitioner named names in the complaint and points this out to the Courts that individual should answer the complaint. The illegal action could only favor the Petitioner because it was taken under "color of state law." It was done without due process of law. Each named defendant, in undertaking such action, acted either outside the scope of his prospective office or, if within scope, acted in an arbitrary manner, grossly abusing the lawful powers of office. All was part of conspiracies.

The District Court Decision. The District Court issued its order for the respondents for summary judgment on November 15, 2004 to dismiss. The District Court and Court of Appeals erroneously gave a good faith for the Respondents but no good faith exist for it. However, Since *Ex parte Young*, 209 US 123, 52 L Ed 714, S Ct 441 (1908), it has been settled that the Eleventh Amendment provides no shield for state official confronted by a claim that he had deprived another of a federal right under color of state law.

Ex parte Young teaches that when a state official acts under a state in a manner violative of federal Constitution, he "comes into conflict with the superior authority of that Constitution, and he is in that case stripped of his official or representative character and is subjected in his person to the consequences of his individual conduct. The state has no power to impart to him any immunity from responsibility to the supreme authority of the United States." *Id.*, at 159-160, 52 L Ed 714. (Emphasis supplied).

The immunity the states have is about state law but not to say it can act out of order. The case here is so perverted and abused with sound principle in place so the wrong should be responsible and punished. Even a judge acting with intentional malice to deprive a person of his civil rights with self or others, he acts not as a judge, but as a "minister" of his own prejudices. The judge knows he did something very bad and is stripped of immunities as is the individual defendants. It does not matter what gets cited when wrongly applied since the citation was not made for the reason stated, and it is not right to use it for someone selfish reason.

The Federal Court Decision. Petitioner timely appeals the District Court order of dismissal to the federal circuit saying he had done what was necessary. The Eleventh Circuit agreed with Petitioner Roy Lee Taylor that claims were stated, and the parties did the damages unconstitutionally. But, it ruled the parties were state agencies which did not do bad faith. It said Taylor had not shown how they don't have the Eleventh Amendment in effect, and it did not see individuals. Taylor said individuals are listed on page three of the complaint and no one should be placed above the law if they commit conspiracies that injures.

The Department of Public Safety and Department of Law are titles and not 'being' for the courts to affirm for. When a name is placed with title, it's each individual dismissed with it. courts may not entertain titles when the state agrees to settle cases. But, courts take place when this is a delay with no plan